



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2001-82**

November 07, 2001

NH Department of Transportation
P O Box 483
Concord, NH 03302

DES Wetlands file #2001-937, NH Routes 43 & 107, Deerfield

Madam/Sir

On October 10, 2001, personnel from the Department of Environmental Services ("DES") conducted an inspection of a proposed roadway project in Deerfield, NH more particularly identified as the intersection of Route 43 and Route 107 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection the following was documented

- Work had been started in jurisdiction without a posted permit from the DES Wetlands Bureau;
- 2 Approximately 130 linear feet of bank area had been graded;
- 3 Stone fill had been placed along approximately 50 linear feet of the bank and channel area; and
- 4 Siltation/erosion controls were ineffectively installed and maintained in the project area

In response, you are requested to take the following actions:

- Provide a detailed construction sequence including removal of the unpermitted rock within 30 days of the date of this letter;
- Provide erosion control plans that may include the use of sandbag cofferdams to be reviewed and approved by DES Wetlands Bureau; and
- 3 Install geo-textile fabric along the shoreline prior to final rock filling.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Lori L. Sommer
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,

A handwritten signature in dark ink is written over the word "COPY" in large, bold, black capital letters. The signature appears to be "Lori L. Sommer".

Lori L. Sommer
Wetlands Bureau

CERTIFIED MAIL 7001 0360 0001 5865 9874

cc: Rene Pelletier, Manager, Land Resources Management Program
✓Gretchen Rule, Administrator, DES Legal Unit
Ralph Sanders, NHDOT
Bill Hauser, NHDOT
Deerfield Conservation Commission
Deerfield Board of Selectmen
David Killoy, USACOE